

## REMARKS

### Introduction

As a preliminary matter, in the Response to Election of Species of June 22, 2005, Claims 8 and 9 were withdrawn in error. Claims 8 and 9 are readable on the elected species and, therefore, should not have been withdrawn. Applicant resubmits these claims for consideration.

Claims 1, 12, 23, 46, and 48, are presently amended. In these claims, the limitation regarding closure line bending was amended to read "without sharply bending the closure line". Also, Claims 1, 11, 12, 22, 23, 33, 47, and 49 were amended to add the limitation that the lock frictionably engage the closure line at the (additional) looping point. In addition, minor typographical errors were discovered in Claims 13, 23, and 24. The claims are currently amended to correct these errors. The foregoing amendments are either supported by the specification or correct minor typographical errors. Consequently, these amendments do not add new subject matter to the application.

In the Office Action of July 20, 2005, Claims 1-3, 11-14, 19, 20, 22-25, 30, 31, 33-36, and 46-49 were rejected under 35 U.S.C. §102(b) as being anticipated by Hammerslag, U.S. Patent No. 6,289,558 B1. In addition, Claims 10, 21, 32, and 37 were rejected under 35 U.S.C. §103 over Hammerslag in view of Bouvier, U.S. Patent No. 6,532,688 B2.

### Rejections under 35 U.S.C. §102(b)

Hammerslag teaches a lacing system whereby at least one locking member 232 is disposed along the pathway of the lace 23 such that the locking member engages the lace and prevents a predetermined portion of the lace from moving axially. The system can thereby limit the tension of the lace in a predetermined area. (Column 16, lines 31-37).

Claim 1 as presently amended discloses a zonal locking system comprising at least one looping point. The looping point is configured so that a closure line winds around the looping point to reverse a line of travel of the closure line without sharply bending the closure line. The zonal locking system further comprises a closure line lock that frictionably engages the closure

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

line at the looping point to generally prevent the closure line from moving through the looping point.

Hammerslag, on the other hand, does not disclose the looping point of Claim 1. Instead, Hammerslag discloses parallel rows of side retaining members 40 to direct the line of travel of the lace. The locking member 232 does not engage the lace at these side retaining members, and, therefore, does not engage the lace at the point where the lace reverses its line of travel. Accordingly, Claim 1 is not anticipated by Hammerslag.

Moreover, applicant respectfully submits that Claim 1 as amended is not suggested by the cited reference. Hammerslag discloses a locking member 232 that is separate and distinct from the side retaining members 40 that guide the lace through its crossing pattern. There is no suggestion within the cited art that the locking method frictionably engage the lace at the side retaining members. Furthermore, because the locking method engages the lace in an area where the lace does not reverse its line of direction, there is no suggestion to include the limitation that the locking method function without sharply bending the lace.

For the foregoing reasons, applicant respectfully submits that Claim 1 as currently amended is allowable over the cited art. Further, Claims 2 and 3 depend directly or indirectly from Claim 1, and thus, should also be found allowable.

Claim 12 as presently amended discloses a closure system comprising a locking device. The locking device includes at least one looping point configured so that a closure line winds around the looping point to reverse a line of travel of the closure line without sharply bending the closure line. The locking device further includes at least one rotatable closure line lock configured to move into a locking position, wherein the closure line lock frictionably engages the closure line at the looping point to generally prevent the closure line from moving through the looping point.

Similarly, Claim 23 as presently amended discloses a zonal locking system comprising a locking device. The locking device includes a looping point configured so that the closure line

winds around the looping point to reverse a direction of travel of the closure line without sharply bending the closure line. The locking device further includes a rotatable lock configured to frictionably engage the closure line at the looping point to prevent the closure line from moving through the looping point.

Hammerslag, on the other hand, discloses parallel rows of side retaining members 40 to guide the lace through its crossing pattern. The locking member disclosed in Hammerslag does not engage the lace at the side retaining members. Consequently, the locking member of Hammerslag does not engage the lace at an area location where the lace reverses its line of travel. Therefore, Hammerslag does not anticipate Claims 12 and 13.

Furthermore, applicant respectfully submits that Claims 12 and 13 as amended are not suggested by the cited reference. Hammerslag discloses a locking member 232 that is separate and distinct from the side retaining members 40 that direct the line of travel of the lace. There is no suggestion within the cited art to combine these features. In addition, because the locking method does not engage the lace in an area where the lace reverses its line of travel, there is no suggestion to include the limitation that the locking method function without sharply bending the lace.

For the foregoing reasons, applicant respectfully submits that Claims 12 and 23 as currently amended are allowable over the cited art. In addition, because Claims 13, 14, 19, 20, 22, 24, 25, 30, 31, and 33 depend directly or indirectly from Claims 12 and 23, they should also be found allowable.

Claim 34 discloses a zonal locking system comprising a locking base configured to receive a closure line. The system further comprises a cam lock that includes a hinge having an axis generally parallel with the closure line. The cam lock further includes a cam lever having a radially expanding lobe that frictionably secures the closure line against the locking base when the cam lever is rotated into a locked position.

In contrast, Hammerslag discloses a locking member 232 including a hinge having an axis generally orthogonal to the lace. Further, Hammerslag does not disclose a locking base against which the lace is secured. Instead, the locking member applies a tightening force to secure the lace 23 against the shoe flap 32. As a result, Claim 34 is not anticipated by Hammerslag.

Moreover, applicant respectfully submits that Claim 34 is not suggested by Hammerslag. The side guide members 50 disclosed in Hammerslag are constructed such that they completely cover the laces in all locations where the laces are substantially parallel to the midline of the boot. Consequently, the only locations on the laces available to a locking member are those locations on the cross pattern of the lace. In these locations, the laces are oriented at a substantial angle relative to the midline of the boot. As a result, if the axis of the hinge were generally parallel to the lace, any flex in the footwear during use would tend to move the elongate arm 235 of the actuator 234, thereby tending to disengage the locking member 232. Therefore, Hammerslag would not be interested in using the locking system of Claim 34, wherein the axis of the hinge is substantially parallel with the closure line.

For the foregoing reasons, applicant respectfully submits that Claim 34 as currently amended is allowable over the cited art. Further, Claims 35 and 36 depend directly from Claim 34, and thus, should also be found allowable.

Claim 46 as currently amended discloses a method for providing zonal locking of a closure line. The method comprises looping a closure line around a looping point so that the closure line winds around the looping point to reverse a direction of travel of the closure line without sharply bending the closure line. The method further comprises moving a rotating locking member into a locked position so that the rotating locking member frictionably engages the closure line at the looping point preventing the closure line from moving through the looping point.

Similarly, Claim 48 as currently amended discloses a method for providing zonal locking of a closure line. The method comprises passing a closure line through a pair of locking guides so that the closure line winds around the looping point to reverse a direction of travel of the closure line without sharply bending the closure line. The method further comprises rotating a locking member into a locked position so that the rotating locking member frictionably engages the closure line at the looping point, preventing the closure line from moving through the looping point.

Hammerslag, on the other hand, discloses parallel rows of side retaining members 40 to change the line of travel of the lace 23. The locking member 232 does not engage the lace at the side retaining members. Consequently, the locking member does not engage the lace at a point where the lace changes its line of direction. Therefore, Claims 46 and 48 are not anticipated by Hammerslag.

In addition, applicant respectfully submits that Claims 46 and 48 as amended are not suggested by the cited reference. Hammerslag discloses a locking member 232 that secures the lace 23 to the shoe flap 32. The locking member engages the lace separate and apart from the area where side retaining members guide the lace through its crossing pattern. There is no suggestion within the cited art to combine the locking member with the side retaining members. Furthermore, because the locking member does not engage the lace in an area where the line of travel of the lace is changed, there is no suggestion to include the limitation that the locking member function without sharply bending the lace.

For the foregoing reasons, applicant respectfully submits that Claims 46 and 48 as currently amended are allowable over the cited art. Further, Claims 47 and 49 depend directly from Claims 46 and 48, and thus, should also be found allowable.

#### Rejections under 35 U.S.C. §103

Claims 10, 21, 32, and 37 were rejected under 35 U.S.C. §103 over Hammerslag in view of Bouvier. These claims depend directly from independent Claims 1, 12, 23, and 34

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

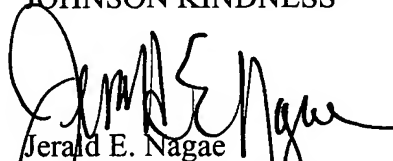
respectively. As previously discussed, Hammerslag does not anticipate Claims 1, 12, 23, or 34. Bouvier does not teach or suggest a way to overcome the shortcomings of Hammerslag in this regard. Therefore, applicant respectfully submits that Claims 10, 21, 32, and 37 are allowable.

Conclusion

For the foregoing reasons, applicant respectfully submits that the pending claims of the present application are in condition for allowance. If the Examiner has any questions concerning the foregoing, she is requested to contact the undersigned at 206-695-1705.

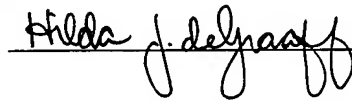
Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

  
Gerald E. Nagae  
Registration No. 29,418  
Direct Dial No. 206.695.1705

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Heidi J. Delaney

JEN:mdb

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100